

## REMARKS & ARGUMENTS

Applicants provide the following remarks and argument for consideration in further examination of the present application and explanation of the amendments presented herein. Claims 2-5, 9, 11-14, 18, 23-25 and 29-35 are currently pending. Claims 2, 9, 34, and 35 have been amended. No new claims have been added and no new matter has been added. Reexamination and reconsideration are respectfully requested.

### **Objections to the Drawings**

The drawings are objected to under 37 C.F.R. 1.83(a). Specifically, the office alleges that “the ceasing the provision of at least one service in favor of allowing the second network to provide the at least one service of independent claim 2 and 34, and ceasing the implementation of the at least one service in the gateway in favor of allowing the second network to provide the at least one service of independent claims 11 and 35 must be shown or the feature(s) canceled from the claim(s).”

Applicants have amended FIG. 2 of the drawings and the accompanying specification to address the Examiner’s Objections. No new matter has been added with this amendments as the added features of FIG. 2 were disclosed in the original application, including, in the claims of the original application. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the objection to claims 2, 11, 34, and 35 and the drawings.

### **Claim Rejections – 35 U.S.C. § 101**

Claims 34-35 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended claim 34 to overcome these objections. Furthermore, Applicants traverse the rejection of claim 35 under 35 U.S.C. § 101 for the following reasons:

Claim 35 as amended recites, a method comprising various processes tied to a gateway device. The gateway device recited in claim 35 is a machine. Therefore, each process recited in claim 35 is a statutory process by virtue of its being tied to a particular machine.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the objections to claims 34 and 35.

**Claim Rejections – 35 U.S.C. § 112**

Claim 35 stands rejected under 35 U.S.C. § 112 for insufficient antecedent bases for the limitation “the gateway.” Applicants have amended claim 35 to overcome this objection. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the objection to claim 35.

**Claim Rejections – 35 U.S.C. § 103**

Claims 2-5, 11-14, and 32-35 stand rejected under 35 U.S.C. § 103(a) as being purportedly unpatentable over U.S. Patent No. 6,683,883 to Czeiger, et al. (“Czeiger”), in view of U.S. Publication No. 2004/0024905 to Liao, et al. (“Liao”), further in view of U.S. Publication No. 2003/0142628 to Alonso et al (“Alonso”). Applicants respectfully traverse these rejections for at least the reasons discussed below.

Claims 9, 18, 23-25, and 29-31 stand rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over Czeiger in view of Liao and further in view of Cho et al. (*A Method for Accommodating Storage Service in Optical Access System*) (“Cho”). Applicants respectfully traverse these rejections for at least the reasons discussed below.

**Claims 2, 11, 34, 35 and Claims Dependent Therefrom Are Allowable:**

Claim 2 recites, *inter alia*, a gateway configured to “cease implementing said at least one service in favor of allowing the second network to provide the at least one service after determining that the at least one service is implemented in the second network.” The Office admits that Czeiger and Liao fails to explicitly teach the above limitation of claim 2. *See Office Action*, p. 7, lines 8-11. The Applicants submit that Czeiger and Liao fails to teach the above limitation of claim 2, both explicitly and implicitly.

Further the Office alleges that paragraphs [0019], [0043], an [0046] of Alonso teaches a gateway configured to “cease implementing said at least one service in favor of allowing the second network to provide the at least one service after determining that the at least one service is implemented in the second network.” *See Office Action*, p. 7, lines 12-22. The Applicants disagree at least for the reasons discussed below.

Alonso discloses a processor that controls an inter-fabric service link (IFSL) coupled to at least two independent SAN switching networks. *See* Alonso, Abstract. Paragraph [0019] of

Alonso discloses that the IFSL has a current snapshot of the status and functionality of each of the switching elements within the attached switching fabrics and that it may transmit operation requests to a switching element [within the attached switching fabrics]. Furthermore, upon receiving notification of a failure of a particular switching element, the IFSL may re-route data away from the failed switching element [from one switching fabric to a second switching fabric].

However, nowhere in paragraph [0019] there is any disclosure or suggestion of the IFSL “determining that the at least one service is implemented in [a] second network” and being configured to “cease implementing said at least one service in favor of allowing the second network to provide the at least one service.” First, because the IFSL disclosed in Alonso does not implement at least one service on behalf of a second network, it cannot cease implementing said at least one service in favor of allowing the second network to provide the at least one service.” Moreover, re-routing of data away from a first switching fabric is not the same as either implementing at least one service on behalf of a second network or ceasing the implementing of said at least one service in favor of allowing the second network to provide the at least one service.

Each of the paragraphs [0043] and [0046] of Alonso discloses that the IFSL provides various service functions, such as configuration management, cost management, etc., to many different switching fabrics within a network. See *Alonso*, paragraphs [0040], [0043], and [0046]. However, there is no disclosure or suggestion of the IFSL being configured to cease providing any such functions upon determining that the function is provided by a network. In fact, because the cited paragraphs of Alonso disclose that the IFSL provides these service functions at the system level, irrespective of addition of new elements to the fabrics, the IFSL does not really monitor whether any of the elements in such fabrics provide the service functions. As such, Alonso teaches away from ceasing implementation of said at least one service in favor of allowing the second network to provide the at least one service in a manner recited in claim 2.

Furthermore, nowhere else in Alonso there is any disclosure or suggestion of the IFSL IFSL “determining that the at least one service is implemented in [a] second network” and being configured to “cease implementing said at least one service in favor of allowing the second network to provide the at least one service.” Therefore, at least for the reasons discussed above, claim 2 is allowable over the cited references of Czeiger, Liao, and Alonso, alone or in combination.

Claim 11, 34, and 35 recite limitations similar to the above discussed limitation of claim 2. Therefore, at least for the reasons discussed above with respect to claim 2, claims 11, 34, and 35 are also allowable over the cited references. Each of claims from which claims 3-8, and 12-14 are also allowable for being dependent upon an allowable base claim.

**Claims 9, 18 and Claims Dependent Therefrom Are Allowable:**

Independent claims 9 and 18, from which claims 23-25 and 29-31 depend, respectively, each recite, *inter alia*, “a security service implemented on behalf of the second network” and “implementing a security service on behalf of the second network,” respectively.

The Office alleges that this limitation is disclosed in the Cho reference and, when combined with the Czeiger and Liao references, obviates claims 9, 18, 23-25 and 29-31. Applicant respectfully disagrees. The security system disclosed in the Cho reference, however, is implemented in a sender device and a destination device and is not implemented within a network. Specifically, a sequence number is incremented by the sender, and the destination device discards frames received with a sequence number it has already processed. Thus, even if combined with the Czeiger and Liao references, a combination would fail to disclose, teach, or suggest a security service implemented on behalf of a network and such a combination would render the system of the Cho reference inoperable for its intended purpose.

In the *Response to Arguments* section of the Office Action, the Office alleges that “Cho teaches the use of a security module at an iSCSI gateway which interconnects GbE and SAN/FC fabrics.” See *Office Action*, p. 12, lines 7-9, (*citing* Figs.1 and 3 and section III.A of Cho). However, as discussed above, the cited sections do not disclose or suggest a security service implemented on behalf of a network, as recited in claims 9 and 18.

Thus, the Czeiger reference in view of the Liao reference in further view of the Cho reference fails to disclose, teach, or suggest all the limitations of claims 9, 18, 23-25 and 29-31 and, thus, fail to obviate claims 9, 18, 23-25 and 29-31. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 9, 18, 23-25 and 29-31 and allow claims 9, 18, 23-25 and 29-31.

**Conclusion**

Claims 2-5, 9, 11-14, 18, 23-25, and 29-35 are currently pending in the application. Applicants have fully responded to each and every objection and rejection in the Final Office action dated April 23, 2010. Furthermore, the Applicants submit that the claim amendments made with this response do not add any new limitations to the claims and therefore, no new search would be required by the Examiner. Applicants believe that claims 2-5, 9, 11-14, 18, 23-25, and 29-35 are in a condition for allowance and therefore request that a timely Notice of Allowance be issued in this case.

Applicants believe no further fees or petitions are required. However, if any such petitions or fees are necessary, please consider this a request therefore and authorization to charge Deposit Account No. 50-3199 accordingly.

If the Examiner should require any additional information or believes any issues could be resolved via a telephone interview, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted this 23<sup>rd</sup> day of June 2010.

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